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FOLLOWING

# COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

ATTORNEY DOCKET NO.  
ARNO-1-14646

Insert Title

As a below named inventor, I hereby declare that: my residence post office address and citizenship are as stated next to my name; that I verify believe that I am the original, first and sole inventor (if only one inventor is named below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Plant gene constructs and their use

Check Box II  
Appropriate —  
For Use Without  
Specification  
Attached

the specification of which is attached hereto unless one of the following boxes below is checked:

- ☒ The Specification was filed on May 14, 1998 as xxxxxxx  
xxxxx PCT international application No. PCT/IB98/00821.  
☐ was filed as PCT international application number \_\_\_\_\_ on \_\_\_\_\_  
and was amended under PCT Article 19 on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows:

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below:

Prior Foreign Application(s)

Priority Claimed

Insert Prior(s)  
Information  
(if appropriate)

<u>9709789.3</u> (Number)	<u>United Kingdom</u> (Country)	<u>May 14 1997</u> (Month Day Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<u>9727458.3</u> (Number)	<u>United Kingdom</u> (Country)	<u>December 30 1997</u> (Month Day Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Month Day Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Month Day Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Month Day Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More Than 12 Months Prior To The Filing Date of This Application:

Country	Application No.	Date of Filing (Month Day Year)
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary.  
 Bruce E. O'Connor, Reg. No. 24,849; Lee E. Johnson, Reg. No. 22,946;  
 Gary S. Kindness, Reg. No. 22,178; James W. Anable, Reg. No. 26,827;  
 James R. Uhler, Reg. No. 25,096; Jerald E. Nagae, Reg. No. 29,418;  
 Michael W. Bocianowski, Reg. No. 28,692; Michael G. Toner, Reg. No. 27,601;  
 Thomas F. Broderick, Reg. No. 31,332; Ronald M. Anderson, Reg. No. 28,829;  
 Dennis K. Shelton, Reg. No. 26,997; and the firm of Christensen, O'Connor, Johnson & Kindness.


PLEASE NOTE  
 YOU MUST  
 COMPLETE THE  
 FOLLOWING:

Send Correspondence to:

CHRISTENSEN, O'CONNOR, JOHNSON & KINDNESS  
 2800 Pacific First Centre  
 1420 Fifth Avenue  
 Seattle, WA 98101-2347  
 Tel. No. (206) 682-8100

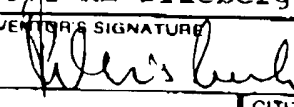
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole  
 Inventor:  
 Insert Name of Inventor  
 Insert Date This  
 Document is Signed  
 Insert Residence  
 Insert Citizenship


GIVEN NAME Sjef	FAMILY NAME SMEEKENS	INVENTOR'S SIGNATURE 	DATE 20.01.2000
RESIDENCE (City, State & Country) Driebergen the Netherlands		CITIZENSHIP the Netherlands	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) Van Westrenenlaan 7, NL-3971 AE Driebergen, the Netherlands			

Insert Post Office  
 Address

Full Name of Second  
 Inventor, if any:  
 see above

GIVEN NAME Peter	FAMILY NAME WEISBEEK	INVENTOR'S SIGNATURE 	DATE 20.01.2000
RESIDENCE (City, State & Country) Den Dolder the Netherlands		CITIZENSHIP the Netherlands	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) Baarnseweg 49, NL-3734 CA Den Dolder, the Netherlands			

Full Name of Third  
 Inventor, if any:  
 see above

GIVEN NAME Marcel	FAMILY NAME PROVENIERS	INVENTOR'S SIGNATURE 	DATE 20.01.2000
RESIDENCE (City, State & Country) Utrecht the Netherlands		CITIZENSHIP the Netherlands	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) Kampereiland 11, NL-3524 CZ Utrecht, the Netherlands			

Full Name of Fourth  
 Inventor, if any:  
 see above

GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE
RESIDENCE (City, State & Country)		CITIZENSHIP	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			

Full Name of Fifth  
 Inventor, if any:  
 see above

GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE
RESIDENCE (City, State & Country)		CITIZENSHIP	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			

\*Note: Must be completed  
 - date this document is  
 signed

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. Smeekens et al.

Attorney Docket No. ARNO114646

Serial No.: 09/423,575

PCT Application No. PCT/IB98/00821

Filed: November 9, 1999

PCT Filed: May 14, 1998

Title: PLANT GENE CONSTRUCTS AND THEIR USE

ASSOCIATE POWER OF ATTORNEY

Seattle, Washington 98101

January 21, 2000

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Daiva K. Tautvydas, Reg. No. 36,077 is hereby granted an associate power of attorney with full power to prosecute the above-identified application and to transact all business in the United States Patent and Trademark Office connected therewith. Direct all telephone calls to Daiva K. Tautvydas at telephone number 206.695.1727.

Please address all further correspondence relating to this application to:

CHRISTENSEN O'CONNOR JOHNSON & KINDNESS<sup>PLLC</sup>

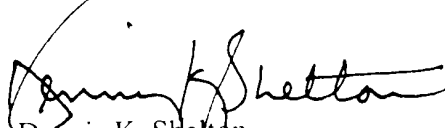
1420 Fifth Avenue

Suite 2800

Seattle, WA 98101-2347

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON & KINDNESS<sup>PLLC</sup>

  
Dennis K. Shelton

Registration No. 26,997

Direct Dial No. 206.695.1718

DKS:clf